

PROOF

STATE OF IOWA

Senate Journal

THURSDAY, FEBRUARY 13, 2003

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JOURNAL OF THE SENATE

THIRTY-SECOND CALENDAR DAY
TWENTIETH SESSION DAY

Senate Chamber
Des Moines, Iowa, Thursday, February 13, 2003

The Senate met in regular session at 8:31 a.m., President Kramer presiding.

Prayer was offered by the Reverend Ron Riley, pastor of the Christian Church in Logan, Iowa. He was the guest of Senator Seymour.

The Journal of Wednesday, February 12, 2003, was approved.

Mr. Rick Powell of Logan vocally performed "I Pledge Allegiance to the Lamb."

RECESS

On motion of Senator Iverson, the Senate recessed at 8:40 a.m. until the completion of a meeting of the committee on Rules and Administration.

RECONVENED

The Senate reconvened at 8:44 a.m., President Kramer presiding.

INTRODUCTION OF RESOLUTION

[Senate Resolution 11](#), by committee on Rules and Administration, a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

Read first time and **placed on calendar**.

COMMITTEE REPORT

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 11](#) (LSB 2393sv), a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Putney, Ragan, and Sievers. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

CONSIDERATION OF RESOLUTION (Regular Calendar)

Senator Iverson asked and received unanimous consent to take up for consideration [Senate Resolution 11](#).

[Senate Resolution 11](#)

On motion of Senator Iverson, [Senate Resolution 11](#), a resolution relating to gubernatorial appointments and other appointments requiring Senate confirmation, was taken up for consideration.

Senator Iverson moved the adoption of [Senate Resolution 11](#), which motion prevailed by a voice vote.

ADJOURNMENT

On motion of Senator Iverson, the Senate adjourned at 8:53 a.m. until 1:00 p.m. Monday, February 17, 2003.

APPENDIX**COMMUNICATION RECEIVED**

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Service Bureau:

February 12, 2003

DEPARTMENT FOR THE BLIND

Report of activities and recommendations — notification that the report in electronic form is available online.

CERTIFICATES OF RECOGNITION

The Secretary of the Senate issued the following certificates of recognition:

Tracy Cross, Norwalk — For being named on of Iowa's top student volunteers in the 2003 Prudential Spirit of Community Awards. Senator Shull (2/13/03).

William Jensen, Urbandale — For being named a recipient of the 2003 Time Magazine Quality Dealer Award. Senator Holveck (2/13/03).

REPORTS OF COMMITTEE MEETINGS**GOVERNMENT OVERSIGHT**

Convened: February 12, 2003, 3:05 p.m.

Members Present: Lundby, Chair; Brunkhorst, Vice Chair; Courtney, Ranking Member; Dvorsky and Wieck.

Members Absent: None.

Committee Business: Approved [SSB 1059](#).

Recessed: 3:50 p.m.

Reconvened: February 13, 2003, 3:00 p.m.

Adjourned: 3:10 p.m.

APPROPRIATIONS SUBCOMMITTEE ON HEALTH AND HUMAN SERVICES

Convened: February 12, 2003, 3:10 p.m.

Members Present: Johnson, Vice Chair; Hatch, Ranking Member; Bolkcom and Veenstra.

Members Absent: Tinsman, Chair (excused).

Committee Business: Presentations on hunger in Iowa and on the Midwest Child Care Research Consortium.

Adjourned: 4:20 p.m.

APPROPRIATIONS SUBCOMMITTEE ON JUSTICE SYSTEM

Convened: February 12, 2003, 3:00 p.m.

Members Present: Miller, Chair; Fraise, Ranking Member; Hosch and Kreiman.

Members Absent: Angelo, Vice Chair.

Committee Business: Presentations by representatives of Department of Corrections.

Adjourned: 4:30 p.m.

APPROPRIATIONS SUBCOMMITTEE ON TRANSPORTATION, INFRASTRUCTURE, AND CAPITALS

Convened: February 12, 2003, 3:10 p.m.

Members Present: McKibben, Chair; Warnstadt, Ranking Member; Beall and Kettering.

Members Absent: Lamberti, Vice Chair (excused).

Committee Business: Presentations regarding the FY 2004 budget and the Hungry Canyon Alliance.

Adjourned: 4:15 p.m.

AGRICULTURE

Convened: February 13, 2003, 11:35 a.m.

Members Present: Behn, Chair; Hosch, Vice Chair; Fraise, Ranking Member; Angelo, Courtney, Houser, Johnson, Kibbie, Putney, Ragan, Seng, Veenstra, and Zieman.

Members Absent: Black and Gaskill (both excused).

Committee Business: Presentations by representative of ABIL and the owner/operator of Lanehaven Farms, Inc.

Adjourned: 12:25 p.m.

JUDICIARY

Convened: February 13, 2003, 10:35 a.m.

Members Present: Redfern, Chair; Larson, Vice Chair; Kreiman, Ranking Member; Boettger, Fraise, Holveck, Horn, Kettering, Lamberti, McCoy, McKibben, Miller, Putney, and Quirnbach.

Members Absent: Tinsman (excused).

Committee Business: Subcommittee assignments and approved [SSB 1045](#) (as amended).

Adjourned: 10:55 a.m.

RULES AND ADMINISTRATION

Convened: February 13, 2003, 8:35 a.m.

Members Present: Iverson, Chair; Kramer, Vice Chair; Gronstal, Ranking Member; Boettger, Courtney, Drake, Dvorsky, Putney, Ragan, and Sievers.

Members Absent: Gaskill (excused).

Committee Business: Passed SRs 7, 9, 10, and LSB 2393sv.

Adjourned: 8:40 a.m.

INTRODUCTION OF RESOLUTIONS

[Senate Concurrent Resolution 4](#), by McCoy, a concurrent resolution requesting that the legislative council create an interim study committee relating to county consolidation.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

[Senate Resolution 12](#), by Holveck, Bolkcom, Connolly, Dvorsky, Horn, Hatch, and Seng, a resolution regarding preemptive, unilateral military action against Iraq.

Read first time under Rule 28 and referred to committee on **Rules and Administration**.

INTRODUCTION OF BILLS

[Senate File 134](#), by committee on Local Government, a bill for an act relating to the various duties of the county treasurer.

Read first time under Rule 28 and **placed on calendar**.

[Senate File 135](#), by Connolly, a bill for an act relating to bingo games and games using pull-tab tickets conducted by qualified organizations.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 136](#), by Connolly, a bill for an act establishing an energy conservation program for school districts.

Read first time under Rule 28 and referred to committee on **Education**.

[Senate File 137](#), by Putney, a bill for an act relating to the exemption from the sales and use taxes of certain horses and certain tangible personal property used in the raising of horses.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 138](#), by Houser, a bill for an act directing the mental health and developmental disabilities commission to make recommendations for redesigning the mental health and developmental disabilities services system for adults and children and providing an effective date.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 139](#), by Schuerer, a bill for an act relating to elimination of the certificate of need provisions for certain new health services.

Read first time under Rule 28 and referred to committee on **Human Resources**.

[Senate File 140](#), by Kibbie, Drake, and Courtney, a bill for an act relating to eligible beneficiaries for a line of duty death benefit under the statewide fire and police retirement system and providing effective and applicability dates.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 141](#), by Schuerer, a bill for an act relating to the price of products sold by state forest nurseries and state fish nurseries and hatcheries.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment**.

[Senate File 142](#), by Bolkcom, a bill for an act establishing a courthouse security surcharge on criminal fines, creating a courthouse security fund, making an appropriation of surcharge moneys, and making related changes.

Read first time under Rule 28 and referred to committee on **Local Government**.

[Senate File 143](#), by McCoy, a bill for an act providing for a study on a deferred retirement option program for the statewide fire and police retirement system and providing an effective date.

Read first time under Rule 28 and referred to committee on **State Government**.

[Senate File 144](#), by McCoy, a bill for an act increasing the tax imposed on cigarettes.

Read first time under Rule 28 and referred to committee on **Ways and Means**.

[Senate File 145](#), by Kreiman, a bill for an act limiting the tenure of certain nonresident hunting licenses.

Read first time under Rule 28 and referred to committee on **Natural Resources and Environment.**

[Senate File 146](#), by Kibbie, Courtney, Kreiman, Ragan, Fraise, Stewart, and Beall, a bill for an act relating to the sale of gasoline, including ethanol blended gasoline, providing for taxes on gasoline, and providing for an effective date and applicability.

Read first time under Rule 28 and referred to committee on **Ways and Means.**

[Senate File 147](#), by Sievers, a bill for an act providing for the administration of funds for animal agriculture, including moneys transferred from and deposited into these funds, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Agriculture.**

[Senate File 148](#), by Kreiman, Courtney, Kibbie, Stewart, and Holveck, a bill for an act providing for the elimination of specified school district budget guarantee provisions, and providing an effective date.

Read first time under Rule 28 and referred to committee on **Education.**

[Senate File 149](#), by Kreiman and Courtney, a bill for an act relating to requirements for the disbursement of economic development-related financial assistance by the department of economic development.

Read first time under Rule 28 and referred to committee on **Economic Growth.**

[Senate File 150](#), by committee on Government Oversight, a bill for an act relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common state services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations,

requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

Read first time under Rule 28 and **placed on calendar.**

SUBCOMMITTEE ASSIGNMENTS

[Senate File 100](#)

EDUCATION: Rehberg, Chair; Brunkhorst and Connolly

[Senate File 103](#)

EDUCATION: Behn, Chair; Holveck and Rehberg

[Senate File 109](#)

STATE GOVERNMENT: Schuerer, Chair; Connolly and Johnson

[Senate File 112](#)

EDUCATION: Rehberg, Chair; Connolly and McKinley

[Senate File 113](#)

ECONOMIC GROWTH: McKinley, Chair; Hatch and Larson

[Senate File 122](#)

EDUCATION: McKinley, Chair; Boettger and Connolly

[Senate File 123](#)

HUMAN RESOURCES: Boettger, Chair; Kreiman and Tinsman

[Senate File 133](#)

WAYS AND MEANS: McKinley, Chair; Dotzler and Rehberg

[Senate File 136](#)

EDUCATION: Brunkhorst, Chair; Dvorsky and Redfern

COMMITTEE REPORTS

GOVERNMENT OVERSIGHT

Final Bill Action: *[SENATE FILE 150 \(SSB 1059\)](#), a bill for an act relating to government efficiency by providing for the delivery of administrative services to state government, establishment of common state services regional boundaries, revising medical assistance program eligibility and benefits provisions, improving coordination of veterans benefits eligibility determinations, requiring a comprehensive study of the state mental health institutes, and revising requirements involving the judicial district departments of correctional services, and providing effective dates.

Recommendation: WITHOUT RECOMMENDATION.

Final Vote: Ayes, 5: Lundby, Brunkhorst, Courtney, Dvorsky, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Government Oversight Committee on [Senate File 150](#), and they were attached to the committee report.

LOCAL GOVERNMENT

Final Bill Action: *[SENATE FILE 134](#) (formerly [SF 57](#)), a bill for an act relating to the various duties of the county treasurer.

Recommendation: APPROVED COMMITTEE BILL.

Final Vote: Ayes, 13: Gaskill, Miller, Quirnbach, Angelo, Hatch, Hosch, Houser, Kreiman, McCoy, Rehberg, Seymour, Stewart, and Wieck. Nays, none. Absent, none.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

*Pursuant to Senate Rule 40, the Legislative Service Bureau reported nonsubstantive changes to the members of the Local Government Committee on [Senate File 134](#), and they were attached to the committee report.

RULES AND ADMINISTRATION

Final Bill Action: [SENATE RESOLUTION 7](#), a resolution supporting a proposal to invite the Republic of China (Taiwan) to participate in the upcoming meeting of the World Health Assembly as an observer.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Putney, Ragan, and Sievers. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 9](#), a resolution to honor former President Jimmy Carter for winning the Nobel Peace Prize for the year 2002.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Putney, Ragan, and Sievers. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Final Bill Action: [SENATE RESOLUTION 10](#), a resolution to recognize February 12, 2003, as City Day in the state of Iowa.

Recommendation: DO PASS.

Final Vote: Ayes, 10: Iverson, Kramer, Gronstal, Boettger, Courtney, Drake, Dvorsky, Putney, Ragan, and Sievers. Nays, none. Absent, 1: Gaskill.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

BILL ENROLLED, SIGNED, AND SENT TO GOVERNOR

The Secretary of the Senate submitted the following report:

MADAM PRESIDENT: The Secretary of the Senate respectfully reports that the following bill has been enrolled, signed by the President of the Senate and the Speaker of the House, and presented to the Governor for his approval on this 13th day of February, 2003:

[Senate File 36](#).

MICHAEL E. MARSHALL
Secretary of the Senate